

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
MICHAEL KAIL,  
Defendant.

Case No. 18-cr-00172-BLF-1

**ORDER GRANTING MOTION TO  
WITHDRAW AS COUNSEL**

[Re: ECF 11]

Before the Court is a motion by Benjamin W. Williams (“Movant”) to withdraw as counsel for Defendant Michael Kail. Mot., ECF 11. Movant represents that on September 5, 2018, he swore an oath of office to become a Court Commissioner for the Santa Clara County Superior Court. *Id.* at 1–2. In his declaration, Movant states that Mr. Kail and the government do not oppose his withdrawal. *Id.* The decision to permit counsel to withdraw is within the discretion of the trial court. *Young v. Chapman*, No. 11-CV-01083, 2018 WL 679464, at \*1 (N.D. Cal. Feb. 1, 2018) (citing *United States v. Carter*, 560 F.3d 1107, 1113 (9th Cir. 2009)). The Court finds that Movant has provided sufficient reasons to justify Movant’s withdrawal as counsel for Mr. Kail. Movant is no longer able to serve as counsel due to his appointment as a judicial officer. The Court therefore GRANTS Movant’s motion to withdraw as counsel.

## IT IS SO ORDERED.

Dated: September 11, 2018

Benjamin Freeman

BETH LABSON FREEMAN  
United States District Judge